IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 2154 OF 2004

Mr. Uday Kakde ...Petitioner

Versus

The State of Maharashtra & Anr ...Respondents

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Mr. Rajendra Sorankar i/b M/s. Jhangiani Narula & Associates, Advocate for Petitioner

Mr. N.R. Pradhan, Advocate for Respondent No.2.

Mr. Y. S. Shinde, A.P.P. for State.

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CORAM: SMT. V.K. TAHILRAMANI, J.

DATED: 13TH JULY, 2005

P. C.:-

1. Leave to amend. Amendment to be carried out forthwith.

2. Heard the learned advocate for the petitioner i.e. original accused, the learned advocate for the respondent No.2 i.e. original complainant and the learned A.P.P. for the State.

3. The petitioner is praying for quashing of Sessions Case No.449 of 2002 which has been registered as private Complaint and is pending before the Sessions Court at Thane. In the said case the

respondent No.2 Prashant Mishra is the complainant.

4. I have also heard the complainant Mr. Prashant Mishra i.e. the complainant who is present in person before this Court and perused the affidavit filed by him. The said affidavit is taken on record and marked as Exh."X" for identification. I have also perused the affidavit filed by the petitioner dated 13.7.2005. The said affidavit is taken on record and marked as Exh. "X-I" for identification.

5. The complainant has stated that he filed the complaint against the petitioner as the petitioner has caught his throat, hence, the complainant was of the opinion that the petitioner was trying to kill him. The complainant has stated that now the differences between him and the petitioner have been sorted out. The complainant further stated that the dispute between him and the petitioner has been amicably settled and he has stated that he does not wish to prosecute his complaint. Lastly he has stated that this petition be allowed.

6. Looking to the fact that the complainant and the petitioner have amicably sorted out their differences. In order to maintain peace and amicable relations between the parties and looking to the fact that the complainant does not wish to prosecute his

complaint, I am inclined to quash the proceedings relating to Sessions Case No.449 of 2002. Accordingly, the proceedings relating to Sessions Case No. 449 of 2002 is quashed.

7. Writ petition is disposed of accordingly.

8. Office to issue authenticated copy of this order to the parties.

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